



PATENT
Docket No. 220002056723

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Assistant Commissioner for Patents, Washington, D.C. 20231, on October 5, 2001.

Denise Lade
Denise Lade

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

H. Kirk HAMMOND et al.

Serial No.: 09/750,240

Filing Date: December 26, 2000

For: GENE THERAPY FOR CONGESTIVE
HEART FAILURE

Examiner: To Be Assigned

Group Art Unit: 1614

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of documents 1-2, 4-5, 9-11, 14-15, 17, 19, 21-31, 34, 37, 41-44, 46, 48-57, 61-67, 69-71, 73-77, 79-81, 83, 85-86, 88-92, 94-96, 98-105, 107-110, 116, 118, 120-122, 124-128, 130-132, 134-136, 138, 141-144, 146, 148-151, 153-157, 161-162, 164, 167, 169-176, and 178-179 were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/472,667, filed December 27, 1999. Copies of documents 3, 6-8, 12-13, 16, 18, 20, 32-33, 35-36, 38-40, 45, 47, 58-60, 68, 72, 78, 82, 84, 87,

93, 97, 106, 111-115, 117, 119, 123, 129, 133, 137, 139-140, 145, 147, 152, 158-160, 163, 165-166, 168, and 177 were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application 09/008,097, filed January 16, 1998, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of * is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Petition requesting consideration of the Information Disclosure Statement, an authorization to charge our deposit account, and a Certification under 37 C.F.R. § 1.97(e) are provided herein.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation

that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **220002056723**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 5, 2001

Respectfully submitted,

By: 
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